

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ÖSSUR HOLDINGS, INC., et al.,

Plaintiffs,

v.

BELLACURE, INC., et al.,

Defendants.

CASE NO. C05-1552JLR

MINUTE ORDER

The following minute order is made by the direction of the court, the Honorable James L. Robart:

The court held oral argument regarding the parties' motions in limine (Dkt. ## 116, 194, 195, 197). The court issued rulings on the motions for the reasons stated on the record. The court further memorializes its rulings below.

The court GRANTS in part and DENIES in part Defendants' motion to exclude the expert testimony of Thomas Smegal (Dkt. # 116). The court denies the motion without prejudice to allow the parties to raise objections at trial.

The court GRANTS in part and DENIES in part Plaintiffs' omnibus motion in limine (Dkt. # 194). Specifically, the court (1) grants Plaintiffs' request to exclude the parties' insurance coverage, (2) denies without prejudice Plaintiff's request to exclude testimonial reference to Mr. Cannon's business venture prior to joining Bellacure, but

1 grants Plaintiffs' motion to exclude witness David Gardner's testimony, (3) denies
2 without prejudice Plaintiffs' request to exclude the relative financial status of the parties,
3 (4) grants Plaintiffs' request to exclude litigation costs, (5) grants Plaintiffs' request to
4 exclude settlement offers, (6) denies without prejudice Plaintiffs' request that counsel
5 refrain from expressing personal opinions as to the validity of any claims, (7) denies
6 without prejudice Plaintiffs' request that counsel refrain from asking the jurors from
7 placing themselves in the position of Defendants, (8) grants Plaintiffs' request to exclude
8 reference to its past intellectual property litigation, (9) denies without prejudice Plaintiffs'
9 request to exclude reference to its lay-offs or closure of the Bothell facility, (10) grants
10 Plaintiffs' request to exclude information regarding this or any other motions in limine,
11 (11) grants Plaintiffs' request to exclude exhibits from display to jury until admitted into
12 evidence, (12) grants Plaintiffs' request that the parties exchange notice of witnesses 24
13 hours in advance.
14

15 The court GRANTS in part and DENIES in part Defendants' motion to exclude
16 the expert testimony of Douglas Kidder (Dkt. # 197). The court further orders Plaintiffs
17 to submit Mr. Kidder's updated report to Defendants by September 8, 2006.
18

19 Lastly, the court CONTINUES its ruling on Plaintiffs' motion to exclude the
20 expert testimony of Lee Rawls (Dkt. # 195) in order for the court to consider the issue at
21 an upcoming Daubert hearing.
22

23 Filed and entered this 30th day of August, 2006.

24 BRUCE RIFKIN, Clerk

25
26 s/Mary Duett
27 By Deputy Clerk
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